United Nations A/CONF.210/2006/3

General Assembly

Distr.: General
28 March 2006

Original: English

Review Conference on the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks
New York, 22-26 May 2006

Provisional agenda

1. Opening of the Conference by the Secretary-General or his representative.
2. Election of the President.
3. Adoption of the rules of procedure.
4. Adoption of the agenda.
5. Election of officers other than the President.
6. Organization of work.
7. Credentials of representatives to the Conference:
   (a) Appointment of the members of the Credentials Committee;
   (b) Report of the Credentials Committee.
8. Presentation of the report of the fifth round of informal consultations of States parties to the Agreement.
9. Review and assessment of the adequacy of the provisions of the Agreement and, if necessary, proposed means of strengthening the substance and methods of implementation of the provisions of the Agreement, as guided by the organization of work of the Conference.[1]
10. Consideration of the report on the status of the Assistance Fund.
11. Adoption of the final report of the Conference.
12. Other matters.
13. Closure of the Conference.

[1] A/CONF.210/2006/4.

06-28821 (E) 040406

United Nations A/CONF.210/2006/4

General Assembly

Distr.: General
28 March 2006

Original: English

Review Conference on the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks
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Organization of work

Framework questions

Delegations are requested to organize their interventions around the following three questions so as to frame the discussions on assessing the effectiveness of the Agreement:[1]

1. In which areas is implementation of the Agreement proceeding generally well?

2. In which areas is implementation of the Agreement at an early stage or where has there been little progress in implementation?

3. What means could be proposed to strengthen the substance and methods of implementation of the Agreement?

[1] This methodology does not preclude delegations from addressing other questions in order to complement and inform the discussions.

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Programme of work

Date/time	*Agenda item/programme*	
Monday, 22 May 2006		
10 a.m.-1 p.m.	Items 1-8	Opening formalities
	Item 9	Review and assessment of the adequacy of the provisions of the Agreement
		Consideration of elements relating to the conservation and management of stocks (see A/CONF.210/2006/5):
		• Adoption of measures
		• Overfishing and capacity management
		• Effects of fishing on the marine ecosystem
		• Fisheries not regulated by any regional fisheries management organizations and arrangements (RFMOs)
		• Data collection and sharing
3-6 p.m.	Item 9 (*continued*)	Consideration of proposed means of strengthening the substance and methods of implementation of the provisions of the Agreement
Tuesday, 23 May 2006		
10 a.m.-1 p.m.	Item 9 (*continued*)	Consideration of elements relating to mechanisms for international cooperation and non-members (see A/CONF.210/2006/5):
		• Integrity of RFMO regimes
		• Fishing activity by non-members
		• Functioning of RFMOs
		• Participatory rights
3-6 p.m.	Item 9 (*continued*)	Consideration of proposed means of strengthening the substance and methods of implementation of the provisions of the Agreement

Date/time	Agenda item/programme	
Wednesday, 24 May 2006		
10 a.m.-1 p.m.	Item 9 *(continued)*	Consideration of elements relating to monitoring, control and surveillance, and compliance and enforcement (A/CONF.210/2006/5): • Implementation of flag State duties • Investigation, penalization for violations • Use of port State measures • International cooperation
3-6 p.m.	Item 9 *(continued)*	Consideration of proposed means of strengthening the substance and methods of implementation of the provisions of the Agreement
Thursday, 25 May 2006		
10 a.m.-1 p.m.	Item 9 *(continued)*	Consideration of elements relating to developing States and non-parties (see A/CONF.210/2006/5): • Recognition of special requirements, provisions of assistance, capacity-building • Increasing adherence to the Agreement Consideration of proposed means of strengthening the substance and methods of implementation of the provisions of the Agreement
3-6 p.m.		Discussion of the final report of the Conference
Friday, 26 May 2006		
10 a.m.-3 p.m.		Discussion of the final report of the Conference
3-6 p.m.		Further discussion of the final report of the Conference
	Items 10-13	Concluding formalities

United Nations A/CONF.210/2006/5

General Assembly

Distr.: General
29 March 2006

Original: English

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Elements for assessing the adequacy and effectiveness of the Agreement

The following table presents recommended elements for use by the Review Conference in reviewing and assessing the adequacy of the provisions of the Agreement. Many of the elements relate to the actions of States parties, individually and through RFMOs,[a] in giving effect to various provisions of the Agreement. With respect to those elements, it might be useful for the Review Conference to consider:

(a) The extent to which those provisions have been incorporated into national laws and regulations, as well as into the charters and/or measures of the RFMOs;

(b) The extent to which those provisions are actually being applied in practice;

(c) The extent to which States and RFMOs are taking action to remedy instances of failure to apply those provisions in practice.

[a] For purposes of this table, "RFMO" includes any subregional or regional fisheries management organization or arrangement with the competence to establish conservation and management measures for any straddling fish stock or highly migratory fish stock.

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UNFSA part	*General elements*	*Detailed elements*
II. Conservation and management of stocks	Adoption of measures	Extent to which States parties, individually and through RFMOs, have adopted measures, based on the best scientific evidence available and the precautionary approach, to ensure long-term sustainability of straddling fish stocks and highly migratory fish stocks, in accordance with articles 5-7 and annex II, including for new and exploratory fisheries.
	Overfishing and capacity management	Extent to which States parties, individually and through RFMOs, have taken measures to prevent or eliminate overfishing and excess fishing capacity.
	Effects of fishing on the marine environment	Extent to which States parties, individually and through RFMOs, have taken measures to implement ecosystem approaches to fisheries management, including by minimizing catch of non-target species and by protecting habitats of specific concern, in accordance with article 5 (d)-(g) and article 6 (3) (d).
	Fisheries not regulated by an RFMO	Extent to which States parties have cooperated to address fisheries for straddling fish stocks or highly migratory fish stocks that are not regulated by an RFMO, in accordance with part III generally, particularly articles 8 (2) and (5), 9 and 14. Extent to which States parties are cooperating to establish new RFMOs where needed for the conservation and management of major straddling fish stocks and highly migratory fish stocks, in accordance with article 8 (5).
	Data collection and sharing	Extent to which States parties, individually and through RFMOs, collect and share, in a timely manner, complete and accurate data concerning fishing activities on straddling fish stocks and highly migratory fish stocks, including for new or exploratory fisheries and fisheries not regulated by an RFMO, in accordance with articles 5 and 14, and annex I.

UNFSA part	*General elements*	*Detailed elements*
III. Mechanisms for international cooperation; non-members and IV.	Integrity of RFMO regimes	Extent to which States parties whose vessels fish for any straddling fish stocks and highly migratory fish stocks under the purview of any RFMO have either joined or agreed to join that RFMO or applied the measures adopted by such RFMO to the fishing activities of its vessels.
	Fishing activity by non-members	Extent of fishing activity for straddling fish stocks and highly migratory fish stocks by vessels of States parties that are not members or "cooperating non-members"[b] of relevant RFMOs. Measures to deter such activity.
	Functioning of RFMOs	Extent to which RFMOs established prior to the Agreement have modernized their procedures and practices in accordance with the Agreement. Extent to which all RFMOs are fulfilling functions set forth in article 10, determining the participatory rights of new members in accordance with article 11 and operating in accordance with the transparency provisions of article 12.
	Participatory rights	Extent to which RFMOs have agreed, as appropriate, on participatory rights, such as allocations of allowable catch or levels of fishing effort.
V. Monitoring, control and surveillance; and VI. compliance and enforcement	Implementation of flag State duties	Extent to which States parties are fulfilling their duties as flag States under article 18 relating to: licensing and authorization of vessels; establishing national records of vessels; marking of vessels and gear; reporting and catch verification; monitoring, control and surveillance; and trans-shipment regulation.
	Investigation, penalization for violations	Extent to which flag States parties are expeditiously carrying out relevant investigations and judicial proceedings, and imposing sanctions in respect of violations, in accordance with article 19.

[b] For the purposes of the present table, "cooperating non-members" refers to States that are not members of a relevant RFMO but that have agreed to apply the measures of that RFMO.

UNFSA part	*General elements*	*Detailed elements*
	Use of port State measures	Extent to which port States parties have adopted measures to promote the effectiveness of RFMO measures. Extent to which RFMOs have adopted such measures.
	International cooperation	Extent to which States parties, individually and through RFMOs, cooperate to ensure compliance with and enforcement of conservation and management measures for straddling fish stocks and highly migratory fish stocks, in accordance with articles 10 (h), 20 and 22.
VII. Developing States	Recognition of special requirements, provision of assistance, capacity-building	Extent to which States parties, individually and through RFMOs and other relevant mechanisms, are taking into account the special requirements of developing States and are increasing the capacity of such States in implementing the Agreement, including by providing assistance. Extent to which developing States parties are gaining such capacity.
IX. Non-parties	Increasing adherence to United Nations Fish Stocks Agreement	Movement of additional States towards becoming party to the United Nations Fish Stocks Agreement. Impediments that have prevented some States from becoming party, such as issues relating to articles 7, 21 and 22.

United Nations

A/CONF.210/2006/6

General Assembly

Distr.: General
30 March 2006

Original: English

Review Conference on the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks
New York, 22 to 26 May 2006

Provisional rules of procedure of the Review Conference

I. Agenda

Rule 1
Provisional agenda

The provisional agenda for the Review Conference shall be the draft agenda prepared by the fifth round of informal consultations of States Parties to the Agreement, which serves as preparation for the Review Conference.

Rule 2
Adoption of the agenda

The provisional agenda shall be submitted to the Review Conference for its approval immediately after the opening of the Conference.

Rule 3
Amendment and deletion of items

Items on the agenda may be amended or deleted by the Review Conference.

II. Representation and credentials

Rule 4
Participating States

1. Each State Party to the Agreement and any entity referred to in article 1, paragraph 2 (b) of the Agreement, that has become a party to it (hereinafter "Party to the Agreement") may participate and be represented at the Review Conference, in accordance with the present rules of procedure.

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2. Any State and any entity, referred to in article 1, paragraph 2 (b) of the Agreement, which in accordance with the Agreement is entitled to become a party to it but has not yet done so may participate and be represented at the Review Conference, in accordance with the present rules of procedure.

3. For the purposes of these rules of procedure, the term "participating State" applies to States and entities referred to in paragraphs 1 and 2 of this rule.

Rule 5
Participation of the European Community

1. The representatives of the European Community shall participate in the Review Conference in matters within its competence.

2. In no case shall such participation entail an increase of the representation to which States Parties to the Agreement, members of the European Community, would otherwise be entitled.

Rule 6
Composition of delegations

1. The delegation of each participating State in the Review Conference shall be represented by a head of delegation and such other representatives, alternate representatives and advisers as may be required.

2. The head of delegation may designate an alternate representative or an adviser to act in his/her capacity.

Rule 7
Submission of credentials

1. The credentials of representatives and the names of alternate representatives and advisers of participating States shall be submitted to the Secretariat, if possible no later than twenty-four hours after the opening of the Review Conference. Any changes in the composition of the delegations shall also be submitted to the Secretariat.

2. The credentials shall be issued either by the Head of State or Government or by the Minister for Foreign Affairs, and, in the case of an entity party to the Agreement, by the authority competent to do so.

Rule 8
Credentials Committee

At the beginning of the Review Conference, a Credentials Committee of nine members shall be appointed by the Conference on the proposal of the President from representatives of the Parties to the Agreement. The Committee shall elect a Chairperson and a Vice-Chairperson. It shall examine the credentials of representatives of participating States and report to the Review Conference without delay. Meetings of the Credentials Committee shall be held in private.

Rule 9
Provisional participation

Pending a decision of the Review Conference upon their credentials, representatives of participating States shall be entitled to participate provisionally in the Review Conference.

III. Officers

Rule 10
Election of officers

1. The Review Conference shall elect a President from among the representatives of the States Parties. The Review Conference shall also elect from among representatives of the States Parties five Vice-Presidents, giving due consideration to geographic representation. The Review Conference shall elect two additional Vice-Presidents from among the representatives of the participating States not party to the Agreement, who may be from any region. The Review Conference may also elect such other officers as it deems necessary for the performance of its functions.

2. The Review Conference shall establish a committee for the purpose of drafting Conference documents other than the record of deliberations. The committee shall be chaired by a member of the Bureau and shall be open to broad participation from among representatives of all participating States.

Rule 11
General powers of the President

1. In addition to exercising the powers conferred upon him/her elsewhere by these rules, the President shall preside at the plenary meetings, declare the opening and closing of each meeting, direct the discussions at such meetings, accord the right to speak, put questions to the vote and announce decisions. The President shall rule on points of order and, subject to these rules of procedure, have complete control over the proceedings and over the maintenance of order thereat. The President may propose to the Review Conference the limitation of time to be allowed to speakers, the limitation of the number of times each representative may speak on any question, the closure of the list of speakers, the adjournment or closure of the debate and the suspension or the adjournment of a meeting.

2. The President, in the exercise of his/her functions, remains under the authority of the Review Conference.

Rule 12
Acting President

1. If the President is absent from a meeting or any part thereof, he/she shall designate one of the Vice-Presidents to take his/her place.

2. A Vice-President acting as President shall have the same powers and duties as the President.

Rule 13
Replacement of the President

If the President is unable to perform his/her functions, a new President shall be elected.

Rule 14
Voting rights of the President

The President, or a Vice-President acting as President, shall not vote but may designate another member of his/her delegation to vote in his/her place.

IV. Bureau

Rule 15
Composition and functions

1. The President and Vice-Presidents shall constitute the Bureau.

2. The Bureau shall assist the President in the general conduct of work of the Review Conference which falls within the competence of the President. It shall meet as necessary during the Review Conference to review the progress of work and make recommendations to the Review Conference for furthering such progress. It shall also meet at such other times as the President deems necessary or upon the request of any other of its members.

3. The Chairperson of any subsidiary body established by the Review Conference may be invited to attend meetings of the Bureau and participate without vote in its discussions.

V. Secretariat of the review conference

Rule 16
Duties of the Secretary-General of the United Nations

1. The Secretary-General of the United Nations shall act in that capacity in all meetings of the Review Conference and its subsidiary bodies.

2. The Secretary-General of the United Nations may designate a member of the Secretariat to act in his place at these meetings.

3. The Secretary-General of the United Nations shall provide and direct the staff required by the Review Conference.

Rule 17
Duties of the Secretariat of the Review Conference

The Secretariat of the Review Conference shall, in accordance with these rules:

(a) Interpret speeches made at meetings;

(b) Receive, translate, reproduce and circulate documents of the Review Conference;

(c) Make and arrange for the keeping of sound recordings of meetings;

(d) Arrange for the custody and proper preservation of the documents of the Review Conference in the archives of the United Nations;

(e) Generally perform all other work that the Review Conference may require.

Rule 18
Statement by the Secretariat

The Secretary-General of the United Nations, his representative or any member of the Secretariat designated by either for that purpose may, at any time, make either oral or written statements concerning any question under consideration.

Rule 19
Invitation of technical or legal advisers

The Review Conference may invite through the Secretariat to one or more of its meetings or to the meetings of its subsidiary bodies any person whose technical or legal advice it may consider useful for its work.

VI. Opening of the Conference

Rule 20
Temporary President

The Secretary-General of the United Nations or, in his absence, his representative shall open the first meeting of the Review Conference and preside until the Conference has elected its President.

VII. Conduct of business

Rule 21
Quorum

1. The President may declare a meeting open and permit the debate to proceed when representatives of at least one third of the participating States are present.

2. The presence of representatives of a majority of the Parties to the Agreement so participating shall be required for any decision to be taken.

Rule 22
Speeches

1. No representative may address the Review Conference without having previously obtained the permission of the President. Subject to rules 25 and 28 below, the President shall call upon speakers in the order in which they signify their desire to speak. The Secretariat shall be in charge of drawing up a list of such speakers.

2. Debate shall be confined to the question before the meeting of the Review Conference and the President may call a speaker to order if the remarks of that speaker are not relevant to the subject under discussion.

3. The Chairperson of a subsidiary body may be accorded precedence for the purpose of explaining the conclusions arrived at by that body.

Rule 23
Time limit on speeches

The Review Conference may limit the time to be allowed to each speaker and the number of times each representative may speak on any question. Before a decision is taken, two representatives of participating States may speak in favour of, and two against, a proposal to set such limits. When the debate is limited and a representative exceeds the allotted time, the President shall call that representative to order without delay.

Rule 24
Points of order

During the discussion of any matter, a representative of a participating State may rise to a point of order and the point of order shall be immediately decided by the President in accordance with these rules. Only a representative of a Party to the Agreement may appeal against the ruling of the President. The appeal shall be immediately put to the vote and the President's ruling shall stand unless it is overruled by a majority of the Parties to the Agreement present and voting. If the vote is equally divided, the appeal is regarded as rejected. A representative rising to a point of order may not speak on the substance of the matter under discussion.

Rule 25
Closing of the list of speakers

During the course of a debate, the President may announce the list of speakers and, with the consent of the Review Conference, declare the list closed.

Rule 26
Right of reply

1. Notwithstanding rule 25 above, the President may accord the right of reply to any representative of a participating State who requests it. Such statements shall be as brief as possible and shall, as a general rule, be delivered at the end of the last meeting of the day or at the conclusion of the consideration of the relevant item if that is sooner.

2. A representative may make no more than two statements under this rule at a given meeting on any item. The first statement should be limited to five minutes and the second to three minutes.

Rule 27
Adjournment of debate

During the discussion of any matter, a representative of a Party to the Agreement may move the adjournment of the debate on the question under discussion. In addition to the representative who proposes the motion, two

representatives of participating States may speak in favour of, and two against, the motion, after which the motion shall, subject to rule 30 below, be immediately put to the vote. The President may limit the time to be allowed to speakers under this rule.

Rule 28
Closure of debate

A representative of a Party to the Agreement may at any time move the closure of the debate on the question under discussion, whether or not any other representative has signified his or her wish to speak. Permission to speak on the motion shall be accorded only to two representatives of participating States opposing the closure, after which the motion shall, subject to rule 30 below, be immediately put to the vote. If the Review Conference is in favour of the closure, the President shall declare the closure of the debate. The President may limit the time to be allowed to speakers under this rule.

Rule 29
Suspension or adjournment of the meeting

During the discussion of any matter, a representative of a Party to the Agreement may at any time move the suspension or the adjournment of the meeting. Such motions shall not be debated but shall, subject to rule 30 below, be immediately put to the vote. The President may limit the time to be allowed to the speaker moving the suspension or adjournment of the meeting.

Rule 30
Order of motions

Subject to rule 24 above, the following motions shall have precedence in the following order over all other proposals or motions before the Review Conference:

(a) To suspend the meeting;

(b) To adjourn the meeting;

(c) To adjourn the debate on the question under discussion;

(d) To close the debate on the question under discussion.

Rule 31
Submission of proposals and substantive amendments

Proposals and substantive amendments put forward by a participating State shall normally be submitted in writing to the Secretariat of the Review Conference, which shall circulate copies to all delegations. Unless the Review Conference decides otherwise, no proposal shall be discussed or put to the vote at any meeting unless copies of it have been circulated to all delegations in the languages of the Review Conference not later than 24 hours preceding the meeting. The President may, however, permit the discussion and consideration of amendments or of motions as to procedure, even though such amendments and motions have not been circulated or have only been circulated the same day.

Rule 32
Withdrawal of proposals and motions

1. A proposal may be withdrawn by the representative of a participating State who proposes it at any time before voting on it has commenced provided that the proposal has not been amended. A proposal thus withdrawn may be reintroduced by any representative of a participating State.

2. A motion may be withdrawn by the representative of a State Party to the Agreement who makes it at any time before voting on it has commenced provided that the motion has not been amended. A motion thus withdrawn may be reintroduced by any representative of a Party to the Agreement.

Rule 33
Invocation of certain rules by the European Community and its Member States

No representative of the European Community shall invoke rules 24, 27, 28, 29, 31 and 32 above if those rules have already been invoked on the same matter by any of its States members that are Parties to the Agreement. No representative of the States members of the European Community shall invoke any of the above-mentioned rules if a representative of the European Community has already done so on the same matter.

Rule 34
Decision on competence

Subject to rule 30, any motion by a Party to the Agreement calling for a decision on the competence of the Review Conference to discuss any matter or to adopt a proposal submitted to it shall be decided before the matter is discussed or a decision is taken on the proposal in question. If consensus is not attainable, the Review Conference shall take a decision by a two-thirds majority of the Parties to the Agreement present and voting, taking into account, to the maximum extent possible, views expressed at the Review Conference by participating States that are not parties to the Agreement.

Rule 35
Reconsideration of proposals

When a proposal has been adopted or rejected, it may not be reconsidered unless the Review Conference takes a decision to that effect. Permission to speak on a motion to reconsider the proposal shall be accorded only to two representatives opposing the motion, after which it shall be immediately put to the vote.

VIII. Decision-making

Rule 36
General agreement

The Review Conference shall conduct its work on the basis of general agreement on matters of substance. Where the President determines that it has not been possible to reach general agreement, the President shall specify a time period for consultations among interested participating States in order to reach such general agreement. The President may, in consultation with the Bureau, appoint a facilitator

for the purpose of reconciling the differences in order to reach general agreement on the matters in question.

Rule 37
Voting

1. The Review Conference may proceed to a vote on matters of substance in accordance with this rule only after all efforts at achieving general agreement have been exhausted. Before doing so, the President shall inform the Review Conference that all efforts at reaching general agreement have been exhausted.

2. Subject to rule 5, each Party to the Agreement shall have one vote.

3. Any participating State may request that its views on the matters in question be included in the record of the meeting.

Rule 38
Decisions on questions of substance

Subject to rule 37, decisions of the Review Conference on matters of substance shall be taken by a two-thirds majority of the Parties to the Agreement present and voting, taking into account, to the maximum extent possible, views expressed at the Review Conference by participating States that are not parties to the Agreement.

Rule 39
Decisions on questions of procedure

1. Except as otherwise provided in these rules and subject to rule 37, decisions of the Review Conference on all matters of procedure shall be taken by a majority of the Parties to the Agreement present and voting, taking into account, to the maximum extent possible, views expressed at the Review Conference by participating States that are not parties to the Agreement.

2. If the question arises whether a matter is one of procedure or of substance, the President shall rule on the question. An appeal against this ruling shall immediately be put to the vote and the President's ruling shall stand unless the appeal is approved by a majority of the Parties to the Agreement present and voting.

3. If a vote is equally divided, the proposal or motion is regarded as rejected.

Rule 40
Decisions on amendments to proposals relating to questions of substance

Decisions on amendments to proposals relating to questions of substance, as well as on parts of such proposals put to the vote separately, shall be made by a two-thirds majority of representatives of the Parties to the Agreement present and voting, taking into account, to the maximum extent possible, views expressed at the Review Conference by participating States that are not parties to the Agreement.

Rule 41
Meaning of the phrase "representative present and voting"

For the purpose of these rules, the phrase "representative present and voting" means representative of the Party to the Agreement participating in the Review Conference casting an affirmative or negative vote. Representatives who abstain from voting shall be regarded as not voting.

Rule 42
Method of voting

1. The Review Conference shall, in the absence of mechanical means for voting, vote by show of hands or by standing, but a representative of any Party to the Agreement may request a roll-call. The roll-call shall be taken in the English alphabetical order of the names of the Parties to the Agreement participating in the Review Conference, beginning with the Party whose name is drawn by lot by the President. The name of each Party shall be called in any roll-call and one of its representatives shall reply "yes", "no" or "abstention". The result of the voting shall be inserted in the record in the English alphabetical order of the names of the Parties to the Agreement.

2. When the Review Conference votes by mechanical means, a non-recorded vote shall replace a vote by show of hands or by standing and a recorded vote shall replace a roll-call vote. A representative of a Party to the Agreement may request a recorded vote. In the case of a recorded vote, the Review Conference shall, unless a representative of a Party requests otherwise, dispense with the procedure of calling out the names of the Parties; nevertheless, the result of the voting shall be included in the record in the same manner as that of a roll-call vote.

Rule 43
Conduct during voting

After the President has announced the commencement of voting, no representative of any participating States may interrupt the voting except on a point of order in connection with the actual conduct of the voting.

Rule 44
Explanation of vote

Representatives of Parties to the Agreement may make brief statements consisting solely of explanations of their votes before the voting has commenced or after the voting has been completed. The President may limit the time to be allowed for such statements.

Rule 45
Division of proposals and amendments

A representative of a Party to the Agreement may move that parts of a proposal or of an amendment be voted on separately. If objection is made to the request for division, the motion for division shall be voted upon. Permission to speak on the motion for division shall be given only to two speakers in favour and two speakers against. If the motion for division is carried, those parts of the proposal or of the amendment which are approved shall then be put to the vote as a

whole. If all operative parts of the proposal or of the amendment have been rejected, the proposal or the amendment shall be considered to have been rejected as a whole.

Rule 46
Amendments

A proposal is considered an amendment to another proposal if it merely adds to, deletes from or revises part of that proposal. Unless otherwise specified, the word "proposal" in these rules shall be considered to include amendments.

Rule 47
Order of voting on amendments

When an amendment is moved to a proposal, the amendment shall be voted on first. When two or more amendments are moved to a proposal, the Review Conference shall first vote on the amendment furthest removed in substance from the original proposal and then on the amendment next furthest removed therefrom, and so on until all the amendments have been put to the vote. Where, however, the adoption of one amendment necessarily implies the rejection of another amendment, the latter amendment shall not be put to the vote. If one or more amendments are adopted, the amended proposal shall then be voted upon.

Rule 48
Order of voting on proposals

1. If two or more proposals, other than amendments, relate to the same question, unless the Review Conference decides otherwise they shall be voted upon in the order in which they have been submitted. The Review Conference may, after each vote on a proposal, decide whether to vote on the next proposal.

2. Revised proposals shall be voted upon in the order in which the original proposals were submitted unless the revision substantially departs from the original proposal. In that case, the original proposal shall be considered as withdrawn and the revised proposal shall be treated as a new proposal.

Rule 49
Elections

All elections shall be held by secret ballot unless, in the absence of any objection, the Conference decides to proceed without taking a ballot when there is an agreed candidate or slate.

Rule 50
Restricted balloting for one elective place

1. When only one elective place is to be filled and no candidate obtains in the first ballot the required majority, a second ballot restricted to the two candidates obtaining the largest number of votes shall be taken. If in the second ballot the votes are equally divided, the President shall decide between the candidates by drawing lots.

2. In the case of a tie in the first ballot among more than two candidates obtaining the largest number of votes, a second ballot shall be held. If on that ballot a tie remains among more than two candidates, the number shall be reduced to two

by lot and the balloting, restricted to them, shall continue in accordance with paragraph 1 above.

Rule 51
Restrictive balloting for two or more elective places

When two or more elective places are to be filled at one time under the same conditions, those candidates, not exceeding the number of such places, obtaining in the first ballot the majority required shall be elected. If the number of candidates obtaining such a majority is less than the number of places to be filled, there shall be additional ballots to fill the remaining places, the voting being restricted to the candidates obtaining the greatest number of votes in the previous ballot and to a number not more than twice the places remaining to be filled. If three such unrestricted ballots are inconclusive, the next three ballots shall be restricted to the candidates who obtained the greatest number of votes in the third of the unrestricted ballots and to a number not more than twice the places remaining to be filled, and the following three ballots thereafter shall be unrestricted, and so on until all the places have been filled.

IX. Subsidiary bodies

Rule 52
Establishment of subsidiary bodies

1. In addition to the Credentials Committee and the committee referred to in rule 10, paragraph 2, above, the Review Conference may establish such other subsidiary bodies as it deems necessary for the performance of its functions.

2. Subject to rules 8 and 10 above, the composition and competence of each subsidiary body will be determined by the Review Conference.

Rule 53
Rules of procedure of subsidiary bodies

Unless otherwise decided by the Review Conference, these rules apply, mutatis mutandis, to the proceedings of its subsidiary bodies, except that:

(a) Subject to subparagraph (b) of this rule, the Chairperson of a subsidiary body may declare a meeting open and permit the debate to proceed when representatives of at least one quarter of the participating States in the subsidiary body are present;

(b) A majority of members of the Credential Committee shall constitute a quorum;

(c) The Chairperson of a subsidiary body may exercise the right to vote.

X. Languages

Rule 54
Languages

Arabic, Chinese, English, French, Russian and Spanish shall be the languages of the Review Conference and any subsidiary body that it may establish.

Rule 55
Interpretation

1. Speeches made in any of the six languages of the Review Conference shall be interpreted into the other five languages.

2. Any representative may make a speech in a language other than a language of the Review Conference. In that case, the representative shall provide for interpretation into one of the languages of the Review Conference.

Rule 56
Languages of official documents

Official documents shall be published in the languages of the Review Conference.

XI. Records

Rule 57
Sound recordings of meetings

Sound recordings of plenary meetings of the Review Conference and, when so decided, of meetings of its subsidiary bodies shall be made and kept by the Secretariat in accordance with the practice of the United Nations.

XII. Public and private meetings

Rule 58
General principles

1. Unless otherwise decided, the plenary meetings of the Review Conference and, subject to rule 8, of its subsidiary bodies shall be held in public.

2. All decisions of the plenary meeting of the Review Conference taken at a private meeting shall be announced at an early public meeting of the plenary.

3. At the close of a private meeting of any subsidiary body, with the exception of the Credentials Committee, the presiding officer of the body concerned may issue a communiqué through the Secretariat.

XIII. Observers

Rule 50
Participation of observers

1. The following may participate as observers in the Review Conference:

(a) Organizations and entities that have received a standing invitation from the General Assembly to participate in the work of international conferences convened under its auspices;

(b) Specialized agencies, the Global Environmental Facility and other relevant international financial institutions;

(c) Entities referred to in article 305, paragraph 1, subparagraphs (c), (d) and (e);

(d) Regional and subregional fisheries management organizations and arrangements, as well as other fisheries bodies;

(e) The United Nations Development Programme, the United Nations Environment Programme, the Commission on Sustainable Development and other interested United Nations bodies and organs;

(f) Relevant intergovernmental organizations and bodies which were represented at the United Nations Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks Conference or were invited as observers to the informal consultations of States Parties to the Agreement;

(g) Non-governmental organizations which were invited as observers to the United Nations Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks Conference or to the informal consultations of States Parties to the Agreement.

2. Representatives of observers referred to in subparagraphs 1 (a) to (f) above may participate, subject to the provisions of these rules, in the deliberations of the Review Conference and, as appropriate, of its subsidiary bodies in question, within the scope of their activities, but shall not be entitled to participate in the taking of decisions.

3. Representatives of observers referred to in subparagraph 1 (g) above may attend public meetings of the Review Conference and, as appropriate, of its subsidiary bodies in question and, upon invitation by the President or by a presiding officer of the subsidiary body, may make brief oral statements on questions in which they have special competence. In order to facilitate the making of such statements when the number of requests is too large, the Review Conference shall request the non-governmental organizations to form themselves into constituencies, each of which shall speak through one spokesperson.

4. Written statements and other material submitted for information by observers referred to in this rule shall be placed by the Secretariat, in the quantities in which the statements and materials are made available to it, at the site of the Review Conference provided that a statement or material is related to the work of the Review Conference and concerns a subject in which the observer or observers in question have a special competence.

XIV. Suspension and amendment of the rules of procedure

Rule 60
Method of suspension

Any of these rules may be suspended by the Review Conference provided that 24 hours' notice of the proposal for the suspension has been given, which may be waived if no representative objects. Any such suspension shall be limited to a specific and stated purpose and to a period required to achieve that purpose.

Rule 61
Method of amendment

These rules may be amended by a decision of the Review Conference taken by a two-thirds majority of the representatives of Parties to the Agreement present and voting.

United Nations A/CONF.210/2006/7

General Assembly

Distr.: General
3 April 2006

Original: English

Review Conference on the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks
New York, 22-26 May 2006

Note verbale dated 31 March 2006 from the Permanent Mission of Iceland to the United Nations addressed to the Secretariat

The Permanent Mission of Iceland to the United Nations presents its compliments to the Secretariat and has the honour to refer to its note of June 2005, the report submitted by the Secretary-General in accordance with paragraph 17 of General Assembly resolution 59/25 to assist the Review Conference to implement its mandate under paragraph 2, article 36, of the United Nations Fish Stocks Agreement, and the fifth round of Informal Consultations of States Parties to the United Nations Fish Stocks Agreement, held at United Nations Headquarters in New York from 20 to 24 March 2006.

The Permanent Mission also has the honour to transmit a note entitled, "Information on measures Iceland has adopted to implement the United Nations Fish Stocks Agreement" (see annex), and requests that the present letter and its annex be circulated as a document of the Review Conference.

06-29580 (E) 180406

Annex to the note verbale dated 31 March 2006 from the Permanent Mission of Iceland to the United Nations addressed to the Secretariat

Information on measures Iceland has adopted to implement the United Nations Fish Stocks Agreement

1. Iceland has implemented its obligations under the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (the UN Fish Stocks Agreement), through enacting comprehensive legislation relating to fisheries both within and beyond areas under its national jurisdiction, by participating actively in the work of relevant regional fisheries management organizations (RFMOs), by enforcing the relevant rules and commitments in an effective manner and by contributing to the Assistance Fund under Part VII of the UN Fish Stocks Agreement.

2. Iceland participates actively in the management of straddling and highly migratory fish stocks in the North Atlantic through relevant RFMOs, including NEAFC, NAFO and ICCAT, and other fisheries management arrangements, including coastal States' cooperation. With respect to such subregional and regional fisheries management cooperation, reference is made to information already submitted and summarized in the report submitted by the Secretary-General in accordance with paragraph 17 of General Assembly resolution 59/25, to assist the Review Conference to implement its mandate under paragraph 2, article 36 of the UN Fish Stocks Agreement.

3. Icelandic fisheries management is mainly based on three legislative acts: The Fisheries Management Act of 1990; the Act concerning the Treatment of Commercial Marine Stocks of 1996; and the Act on Fisheries in Areas Beyond the National Jurisdiction of Iceland of 1996.

4. The Fisheries Management Act sets out the legal framework for Icelandic fisheries management. The Act stipulates a comprehensive system of individual transferable quotas (ITQs) for fishing vessels and the requirement for a special license in order to conduct fishing. Only vessels fulfilling specific requirements are eligible for such licenses.

5. The Act further outlines the process of setting catch limits, requiring the Minister of Fisheries to take into account the advice of the Icelandic Marine Research Institute before establishing the annual total allowable catches (TACs). In this regard it should be noted that for the last decade decisions on TACs have followed the scientific advice in almost all cases. The scientific advice is based on the precautionary approach, on long-term management plans where they have been developed, such as in the case of cod, and in some cases on multi-stock models taking into account the interactions between the different stocks from top predators down. A multi-stock approach is already applied when setting TACs for capelin, shrimp and cod.

6. As the Icelandic fisheries management system is based on ITQs, no specific capacity reduction plans are applied. The system relies instead on output control to ensure that catches are kept within sustainable levels. The quota holders are left to determine the appropriate level of capacity they deem best fit their quota shares.

7. The Icelandic fisheries management system takes into account ecosystem considerations in many respects. The main legislative act in this field is the Act concerning the Treatment of Commercial Marine Stocks. The system allows for rules to be set to take into account the impacts of fisheries on different components of the marine ecosystem, *inter alia* by area restrictions, fishing gear restrictions and considering

the interaction between different stocks. Iceland implements an ecosystem approach to fisheries by adding new elements to its fisheries management regime as knowledge on the various ecosystem aspects increases.

8. There are specific detailed provisions prohibiting discards, setting out sanctions for violating this prohibition. Economic incentives are also applied in order to combat discards. To minimize by-catch, regulations are in force regarding the use of specific fishing gear in certain fisheries and areas, including mesh size regulations. Furthermore, seasonal and permanent area closures are applied to protect spawning grounds and juveniles. Limited areas can be closed without prior notice on the basis of reports on excessive by-catch.

9. Various rules are in place in order to protect marine biodiversity. These include permanent closure of areas to fisheries in order to protect vulnerable habitats, closure of areas to protect spawning and juveniles as well as non-targeted stocks, and the use of multi-stock models and fishing gear restrictions in the management of fisheries.

10. The Icelandic Marine Research Institute conducts extensive research on the marine ecosystem, aiming at increasing knowledge that can be used to take ecosystem considerations into account in fisheries management. This research is, *inter alia*, aimed at developing multi-stock models, mapping vulnerable areas and identifying spawning grounds and areas with high concentrations of juveniles.

11. The Act on Fisheries in Areas Beyond the National Jurisdiction of Iceland sets out the rules for Icelandic fishing vessels on the high seas and within the national jurisdiction of another State. It is intended to incorporate the provisions of the UN Fish Stocks Agreement into Icelandic national legislation. The Act requires Icelandic vessels to be licensed to fish on the same basis as is the case within the national jurisdiction of Iceland and provides for the allocation of Iceland's share of agreed TACs when fishing for stocks that are subject to management of RFMOs or other arrangements. The Minister of Fisheries has on the basis of this Act the authority to set regulations to implement international obligations undertaken by Iceland in respect to such fisheries. This includes the use of Vessel Monitoring Systems, logbook requirements, a system of designated ports and weighing-in requirements.

12. Iceland has in force strict rules regarding port State control. These rules provide for closure of Icelandic ports to foreign vessels taking part in fishing activities that are not in conformity with Iceland's international obligations in this field, including vessels on IUU lists of the relevant RFMOs. The rules further provide for closure of ports to vessels taking part in fishing activities that are contrary to sustainable fishing practices from stocks that straddle Icelandic waters or are in another way contrary to Icelandic interests. These port closures include a ban on the landing of catches and a ban on providing any service to such vessels. In addition Icelandic service providers are prohibited from rendering service to such vessels at sea both in areas within and beyond the national jurisdiction of Iceland.

13. Iceland enforces the fisheries management rules in an active and effective manner through the use of Vessel Monitoring Systems, designated ports, weighing-in requirements and the use of observers and inspectors. Investigation of alleged violations is carried out and appropriate sanctions applied. The sanctions include suspension of fishing licenses, confiscation of catches and fishing gear, and fines.

14. Finally, it should be noted that Iceland has contributed 49,500 United States dollars to the Assistance Fund under Part VII of the UN Fish Stocks Agreement, the purpose of which is to provide financial assistance to developing States Parties in the implementation of the Agreement.

United Nations A/CONF.210/2006/8

General Assembly

Distr.: General
3 April 2006

Original: English

Review Conference on the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks
New York, 22-26 May 2006

Note verbale dated 31 March 2006 from the Permanent Mission of Iceland to the United Nations addressed to the Secretariat

The Permanent Mission of Iceland to the United Nations presents its compliments to the Secretariat of the United Nations (Division for Ocean Affairs and the Law of the Sea, Office of Legal Affairs) and has the honour to refer to the latter's note of June 2005, the report submitted by the Secretary-General in accordance with paragraph 17 of General Assembly resolution 59/25 to assist the Review Conference in implementing its mandate under paragraph 2, article 36, of the United Nations Fish Stocks Agreement, and the fifth round of informal consultations of States parties to the Agreement held at United Nations Headquarters in New York from 20 to 24 March 2006. The Permanent Mission also has the honour to submit updated information on the performance review of the North-East Atlantic Fisheries Commission (see annex) and also has the honour to request that the present letter and its annex be circulated as a document of the Review Conference.

06-29586 (E) 200406

Annex to the note verbale dated 31 March 2006 from the Permanent Mission of Iceland to the United Nations addressed to the Secretariat

Updated information submitted by Iceland on the performance review of the North-East Atlantic Fisheries Commission

A RFMO performance review of NEAFC
Information prepared by the NEAFC Secretariat

At the 24th Annual Meeting of NEAFC 14-18 November 2005, the NEAFC Commission made the following decision:

"Recalling the importance attached to evaluating the RFMOs, expressed i.e. at the March 2005 meeting of the FAO Fisheries Committee (COFI), the Commission recommends that a performance review of NEAFC is established.

The purpose of such a review is to provide for a systematic check of the performance of the organisation and its consistency with the NEAFC Convention, UNFSA and other relevant international agreements and instruments.

The Working Group on the Future of NEAFC shall develop assessment criteria and procedures for the performance review, including terms of reference for the review, in consultation if appropriate with FAO and other RFMOs. The procedures and terms of reference, together with administrative details, should be submitted to the Contracting Parties for decision by postal vote.

The performance review should aim to be presented to the Annual Meeting in 2006".

The Working Group of the Future of NEAFC met 7-9 February 2006 and developed proposals for assessment criteria and for the composition of a review panel. The proposals are attached to this note. The NEAFC Commission has since adopted the proposal.

The nominations of external members of the panel of six by UNDOALOS, FAO, and DFO, Canada are expected to be in place end of March. This should make it possible to report in time to the 25th Annual Meeting of NEAFC in November 2006.

NEAFC Secretariat
22 March 2006

Proposal by the Working Group on the Future of NEAFC on terms of reference for a NEAFC performance review and composition of the review panel

At the 24th Annual Meeting of NEAFC, it was agreed that a performance review should be conducted, to check the performance of the organization and its consistency with the NEAFC Convention, the United Nations Fish Stocks Agreement (UNFA) and other relevant international instruments.

The review should assess the performance of NEAFC, since the entry into force in 1982 of the NEAFC Convention, against the objectives set out in that Convention.[1]

Consideration should be given to the development in fisheries and ocean management that have taken place since the entry into force of the NEAFC Convention.

The review should give special emphasis to the objective NEAFC set out in the amendments agreed in 2005, to ensure the long-term conservation and optimum utilisation of the fishery resources in the Convention Area, providing sustainable economic, environmental and social benefits.[2]

The review shall be performed on the basis of the criteria specified below, and shall point to achievements and areas, where there is room for improvements.

1	Conservation and management of fisheries resources	Knowledge about the status of marine living resources	Status of major fish stocks in relation to maximum sustainable yield and other relevant biological standards. Trends in status of stocks. Status of species belonging to the same ecosystems as, or are associated with or dependent upon, the major target stocks
		Quality and provision of scientific advice	Extent to which NEAFC receives advice in accordance with Article 14 of the NEAFC Convention and the Memorandum of Understanding between ICES and NEAFC
		Data collection and sharing	Extent to which Contracting Parties, individually or through NEAFC, collect and share, in a timely manner, complete and accurate data concerning fishing activities
		Adoption of conservation and management measures, including measures adopted at Coastal State level	Extent to which NEAFC has adopted measures based on the best scientific evidence available and on the precautionary approach in order to ensure the promotion of the long-term conservation and optimum utilization of the fishery resources Extent to which NEAFC provides sustainable economic, environmental and social benefits Extent to which NEAFC has taken due account of the need to conserve marine biological diversity and minimise harmful impacts of fisheries on living marine resources and marine ecosystems

[1] Article 4 of the 1982 Convention.

[2] At the 2005 Annual Meeting the NEAFC Commission agreed in substance to the London "Declaration" on the Interpretation and Implementation of the Convention on the Future Multilateral Cooperation in North-East Atlantic Fisheries.

		Compatibility of management measures	Extent to which measures have been adopted as set out in Article 7 of UNFA
		Fishing allocations	Extent to which NEAFC successfully allocates fishing opportunities
2	Monitoring, control and enforcement	Flag state duties	Extent to which Contracting Parties are fulfilling the duties as flag states under the NEAFC Scheme, UNFA Article 18 and the 1993 FAO Compliance Agreement.
		Monitoring, surveillance and control activities	Extent to which Contracting Parties implement the relevant parts of the NEAFC Scheme of Control and Enforcement and the non-Contracting Party Scheme
		Port State measures	Extent to which Contracting Parties implement port State obligations under the non-CP Scheme and UNFA Article 23
		Other enforcement-related issues, including follow up on infringements	Extent to which Contracting Parties are following up on infringements to both Schemes and management measures by which they are bound
3	Decision making and dispute settlement procedures		Extent to which NEAFC has established adequate decision-making procedures and mechanisms for solving possible disputes
4	Cooperation	Transparency	Extent to which NEAFC is operating in accordance with the transparency provisions of Article 12 of UNFA
		Participatory rights of newcomers	Extent to which NEAFC is determining participatory rights of new members in accordance with Article 11 of UNFA
		Relationship to cooperating non-Contracting Parties	Extent to which NEAFC grants cooperative non-Contracting Party status in accordance with the non-Contracting Party Scheme
		Relationship to other non-Contracting Parties	Extent of fishing activity by vessels of non-Contracting Parties, which are not cooperating with NEAFC and measures to deter such activity
5	NEAFC in a regional and international context	Cooperation with other RFMO/As	Including cooperation in the network of Regional Fishery Body Secretariats
		Cooperation with other regional organizations	Including the OSPAR Commission for the Protection of the Marine Environment in the North East Atlantic

The review shall be carried out by a performance review panel that consists of the following members:

- The chairman of the Working Group on the Future of NEAFC;
- A fisheries management expert nominated by the Fisheries Department of the UN Food and Agriculture Organisation, FAO;
- The chairman of NEAFC Permanent Committee of Control and Enforcement, PECCOE;
- An international law of the sea expert nominated by UN Division for Oceans Affairs and the Law of the Sea;

- A marine scientist nominated by a scientific institution, based outside the North East Atlantic Area; and
- The Secretary of NEAFC.

The member nominated by FAO shall act as the moderator of the panel.
Secretarial assistance to the panel will be provided by the NEAFC Secretariat.

The panel shall aim at submitting the final report to the 2006 Annual Meeting of the NEAFC Commission.
The Panel will have the possibility - if it so chooses - to make an interim progress report to NEAFC in September 2006.